



Water Quality Authorities, Permits, and Requirements for Environmental Reviews

In accordance with Title 35, Section 11 of the Wyoming Statutes and the Wyoming Water Quality Rules and Regulations, the Wyoming Department of Environmental Quality/Water Quality Division (WDEQ/WQD) is responsible for the protection and restoration of the quality of waters of the state. The WQD also implements portions of the Federal Clean Water Act, including development of surface water quality standards, identification of impaired waters and development of total maximum daily loads for impaired waters under Section 303; inventorying water quality under Section 305; discharge permitting under Section 402; water quality certifications under Section 401; and addressing nonpoint sources of pollution under Section 319¹. As such, WDEQ/WQD commonly provides guidance and feedback for agencies and organizations conducting environmental reviews, including those required under the National Environmental Policy Act, to ensure that potential impacts to the quality of waters of the state are adequately evaluated and that Wyoming's water quality statutes, rules, regulations, and other requirements are met.

[Protection of Waters of the State from Spills and Hazardous Substances and Spill Reporting](#)

Environmental reviews should explain how groundwater and surface waters will be protected from the release of chemicals, petroleum products, produced water, and any other hazardous substances. Wyoming Water Quality Rules and Regulations, Chapter 4, also requires that the WQD be notified of any oil or hazardous substances which have been released and which enter, or threaten to enter, waters of the state. Spills can be reported to WDEQ by calling 307-777-7501 or through the following website: <http://wyospills.org/>

[Watershed Protection Program](#)

[Surface Water Quality Standards](#): WDEQ/WQD encourages project sponsors to ensure that environmental reviews adhere to Wyoming's Surface Water Quality Standards and evaluate and minimize potential impacts to surface waters of the state, particularly Class 1 (outstanding surface waters) and Class 2 waters (waters designated for drinking water and/or fisheries).

[Clean Water Act Section 401 Water Quality Certifications](#): WDEQ/WQD is responsible for issuing Clean Water Act Section 401 Water Quality Certifications for [Clean Water Act Section 404 Dredge and Fill permits](#) issued by the [United States Army Corps of Engineers](#) and [federal licenses](#) for hydroelectric power projects issued by the [Federal Energy Regulatory Commission](#). The 401 Certification ensures that the federal permit or license will comply with Wyoming's Water Quality Rules and Regulations, Chapter 1, Wyoming Surface Water Quality Standards. Conditions of the 401 Certification are included as conditions of the federal permit or license.

[Temporary Turbidity Waivers](#): Wyoming's Water Quality Rules and Regulations, Chapter 1, Wyoming Surface Water Quality Standards, Section 23(a) include turbidity criteria for waters designated as fisheries and/or drinking water supplies. Any type of construction activity within such waters is likely to result in exceedances of these criteria. In accordance with Chapter 1, Section 23(c)(ii), the Water Quality Division Administrator may authorize temporary increases in turbidity above the numeric criteria and may impose whatever controls, monitoring, and best management practices are necessary to maintain and protect all water uses. In circumstances where a project has the potential to exceed the turbidity criteria, a waiver is recommended. Applications must be submitted and waivers approved by the administrator before work begins.

[Nonpoint Source Pollution](#): WDEQ/WQD encourages project sponsors to minimize the potential impacts of projects to surface and groundwater quality by implementing best management practices for activities that do not require WDEQ issued permits. These include, but are not limited to, practices associated with chemical use and management (e.g., fertilizers, pesticides, petroleum products, toxic chemicals, and other potential pollutants); silviculture; wildland fire; rangeland management; road construction and maintenance; stream and lakeshore restoration; recreation management; and vegetation and minerals management.

¹ The Environmental Protection Agency oversees implementation of the federal Clean Water Act on the Wind River Indian Reservoir.

Assessed Waters and Restoration Plans: Projects should evaluate potential impacts to surface waters that have been assessed as either meeting or not meeting surface water quality standards by WDEQ/WQD, as reflected in Wyoming's Clean Water Act Sections 305(b) and 303(d) Integrated Report. Projects should minimize potential impacts to surface waters that are meeting designated uses, should not exacerbate pollutant loading to waters that are not currently meeting Surface Water Quality Standards, and take into consideration any restoration plans that have been developed to meet surface water quality standards.

Wyoming Pollutant Discharge Elimination System Program

Point Source Discharge Permits: The Wyoming Pollutant Discharge Elimination System (WYPDES) Program issues permits for any point source discharges into surface waters of the state, consistent with Wyoming's Water Quality Rules and Regulations, Chapter 2, Permit Regulations for Discharges to Wyoming Surface Waters. WYPDES permits contain limitations and conditions to assure that Wyoming Water Quality Rules and Regulations, Chapter 1, Wyoming Surface Water Quality Standards, are met and are required for stormwater discharges, pesticide applications, temporary discharges associated with construction activities, discharges to and mitigation for isolated wetlands, as well as other longer-term discharges.

Temporary Discharges from Construction Activities Permits: A WYPDES permit is required for temporary discharges to surface waters from activities such as construction dewatering when there is a significant groundwater component, disinfection of potable water lines, and/or hydrostatic testing of pipes, tanks, or other similar vessels.

Storm Water Permits: A WYPDES permit is required for storm water discharges resulting from all construction activities that cumulatively disturb one or more acres. A Large Construction General Permit is required for construction activities that cumulatively disturb five or more acres and a Small Construction General Permit is required for construction activities that cumulatively disturb between one and five acres. WDEQ is working with the Wyoming Game and Fish Department to minimize the impact of development on the Greater Sage-Grouse population in Wyoming pursuant to the requirements of the Governor's Executive Order 2019-3, Greater Sage-Grouse Core Area Protection. If any part of a construction project falls within a Greater Sage-Grouse Core Area (SGCA), the owner or operator must coordinate with Wyoming Game and Fish to ensure that the project is consistent with the Executive Order. A map of sage-grouse core areas in Wyoming can be found here: <https://wgfd.wyo.gov/Habitat/Sage-Grouse-Management/Sage-Grouse-Data>.

Isolated Wetland Mitigation General Permits: A WYPDES General Permit for Wetland Mitigation is required in circumstances where the discharge of dredge or fill material results in the loss or destruction of greater than one cumulative acre of (1) naturally occurring isolated wetlands or (2) man-made isolated wetlands used to mitigate the loss of naturally occurring wetlands. Prior to commencement of the discharge, a notice of intent and mitigation plan to offset the loss of wetland function and values must be filed with the Administrator of the Water Quality Division. Isolated wetlands are those wetlands, as defined in Wyoming Statutes 35-11-103(c)(x), that do not meet the federal definition of Waters of the United States and are therefore regulated under the federal Clean Water Act, but meet the state's definition of waters of the state, as defined in Wyoming Statutes § 35-11-103(c)(vi).

Pesticide Permits: A WYPDES general permit for pesticide applications is required for all pesticide applications to Waters of the United States. A general permit for minor pesticide applications covers pesticide applications that do not require a general permit for major pesticide application. Major pesticide applications include those that exceed size thresholds established for various use categories (e.g., mosquito and other flying insect pest control, weed and algae control, nuisance animal control, forest canopy pest control, and others), are applied to Class 1 waters, and are applied to waters impaired due to the particular pesticide or pesticide degrade being applied.

Groundwater

Groundwater Classifications: As outlined in Wyoming Water Quality Rules and Regulations, Chapter 8, Quality Standards for Wyoming Groundwaters, groundwaters of the State must be classified in order to apply standards to protect water quality. Classifications are made any time there is pollution or a threat of pollution to a Groundwater of the State. Appropriated waters are classified by use (i.e., domestic water, fish and aquatic life, agriculture, livestock, and industry), while unappropriated groundwaters are classified by ambient water quality (i.e., Class I are suitable for domestic use, Class II are suitable for agricultural use, Class III are suitable for livestock, Class Special A are suitable for fish and aquatic life, Class IV are suitable for industry, Class V are associated with commercial deposits of hydrocarbons and/or other minerals or are considered a geothermal resource, and Class VI are unusable or unsuitable for use).

Monitoring Well Permits: A permit is required for monitoring wells or other subsurface investigation facilities, including boreholes, test holes installed using direct push methods, soil vapor surveys, and test pits, used to characterize subsurface conditions at site where pollution is known to exist.

Underground Injection Control (UIC) Permits: The Underground Injection Control Program regulates the subsurface injection of nonhazardous waste fluids, subsurface storage of liquid and gaseous fluids, and mineral solution mining to protect current and future uses of underground sources of drinking water (USDW). A USDW site is defined as an aquifer which currently, or could, supply a public water system with drinking water. The United States Environmental Protection Agency groups injection wells into six classes and the WDEQ/WQD UIC Program regulates Class I (deep disposal of industrial, commercial or municipal waste below the deepest usable aquifer), Class V (disposal of non-hazardous fluids into or above underground sources of drinking water, including [large capacity septic systems that handle more than 2,000 gallons of sewage per day](#)), and Class VI (injection of carbon dioxide into underground subsurface rock formations for long-term storage or geologic sequestration) injection wells.

Water and Wastewater

Septic System Permits: Septic system permits, or Small Wastewater Facility General Permits, are required for the installation, repair, or replacement of individual or commercial sewage disposal systems that treat less than 2,000 gallons of domestic sewage per day (for large capacity septic systems, please see the Underground Injection Control Permits above). DEQ is the permitting authority for the construction of small wastewater facilities located in Campbell (commercial systems only), Carbon, Crook, Niobrara, Platte, and Weston Counties. The [permitting authority](#) for septic systems located in other counties may require different forms or additional information.

Land Application of Hydrostatic Test Water Permits: Land Application of Hydrostatic Test Discharge Water permit is required when discharging uncontaminated water used during a hydrostatic test.

Commercial Oil Wastewater Disposal Facility (COWDF) Permits: A COWDF permit is required for any project that involves the construction, modification, or operation of a COWDF. All applications must be submitted with a management plan that includes an engineering design report, construction plan, operation plan, and financial assurance for the COWDF. Evaporation ponds need to be constructed in a manner that protects surface water and groundwater quality. A groundwater monitoring program is also required as a condition of the permit.

Concentrated Animal Feeding Operation (CAFO) Permit: The CAFO permitting program provides oversight for facilities housing large concentrations (more than 1,000 animal units) of livestock to ensure that the waters of the state are not negatively impacted and that the waste these animals generate are appropriately treated.